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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,914	06/11/2001	Marnix Claudius Vlot	NL 000561	1219

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

FISH, JAMIESON W

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/857,914

**Applicant(s)**

VLOT, MARNIX CLAUDIUS

**Examiner**

Jamieson W. Fish

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because it is not clear how the lines from Figure 1 are connected to the lines on Figures 2A and 2B. It is suggested that the lines are labeled so connections are not ambiguous. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 9 and 19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on other multiple claims. See

Art Unit: 2617

MPEP § 608.01(n). Accordingly, claims 9-10 and 19-20 have not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

Claim 6, recites the limitation "regional preference" in line 2. There is insufficient antecedent basis for this limitation in the claim. To expedite the prosecution of this case the claim has been interpreted with "regional" deleted. Correspondingly, claims 7-8, 17-18, have been evaluated with "network" replacing regional on line 2.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kohashi (US 6,470,136).
2. Regarding claim 1, Kohashi teaches a method for assigning program locations in a receiver to individual received broadcast signals where the broadcast signals originate from various transmitters, said method comprising providing the broadcast signals with information about at least the country of origin (See Fig. 2A Country Code), the transmitting network (See Fig. 3A Network No.), a unique service identification (See Fig. 3B Station Name) and a logical channel number (See Fig. 3A Channel); and said

Art Unit: 2617

method being characterized in assigning in the receiver a program location in a program location list to the received broadcast signal in accordance with assignment rules based on the received information about the country of origin, about the transmitting network, the unique service identification and the logical channel number (See Fig. 3A, Fig. 6 and Col. 6 lines 45-67, Col. 7 lines 1-67, Col. 8 lines 1-67, Col. 9 lines 1-67, Col. 10 lines 1-67, Col. 11 lines 1-65 Stations are assigned to a Pos (channel) based on the country code).

3. Regarding claim **11**, claim 11 is an apparatus claim corresponding to method claim 1. Thus, claim **11** is discussed and rejected according to claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **2-4, 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohashi in view of Stinebruner (US 6,133,910).

5. Regarding claim **2** Kohashi teaches a method characterized in that a service corresponding to a received broadcast signal and identified by the unique service identifier is given a country preference by primarily assigning it to the a low numbered program location in the program location list (See Fig. 3A, Fig. 6 and Col. 6 lines 45-67, Col. 7 lines 1-67, Col. 8 lines 1-67, Col. 9 lines 1-67, Col. 10 lines 1-67, Col. 11 lines 1-65 Stations are assigned to a Pos (channel) based on the preferred country code). In

Art Unit: 2617

Kohashi's system Pos (channels) do not necessarily correspond to logical channel numbers. Stinebruner teaches a method for assigning program locations in a receiver to individual received broadcast signals where the broadcast signals originate from various transmitters where program locations in the program location list correspond to logical channel numbers (See Fig. 2 and Col. 7 lines 36-39). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kohashi to primarily assign services to program locations in the program location list corresponding to the logical channel number to provide a simple way for a user to select programming from different sources (See Stinebruner Col. 2 lines 19-24). Stinebruner does not disclosed what happens in the case of a conflict. However, as discussed above Kohashi does teach assigning program locations in the program location list based on the country of preference. Thus, it would have further been obvious to one of ordinary skill in the art at the time the invention was made that in case of conflict of logical channel numbers to have the Kohashi/Stinebruner combination give preference to any broadcast signal containing information of country of origin corresponding to a predetermined indication of country preference.

6. Regarding claim 3, Kohashi modified with Stinebruner teaches a method characterized in that any service not given country preference is placed in a group of services having consecutive program location numbers in the list of program location numbers, the program location numbers being different from the respective logical channel numbers of the services (See Kohashi Fig. 6 and Col. 6 lines 45-67, Col. 7 lines 1-67, Col. 8 lines 1-67, Col. 9 lines 1-67, Col. 10 lines 1-67, Col. 11 lines 1-65 The

Art Unit: 2617

Netherlands is the country of preference and the stations from the UK (stations not given country preference are given consecutive program location numbers)).

7. Regarding claim **4**, Kohashi modified with Stinebruner teaches a method characterized in that services with the same country of origin are arranged together in subgroups within said group of services not given country preference (See Kohashi Fig. 16C Countries are grouped together).

8. Regarding claims **12-14**, claims 12-14 are apparatus claims corresponding to method claims 2-4, respectively. Thus, claims **12-14** is discussed and rejected according to claims 2-4.

9. Claims **5/2-4** and **15/12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohashi in view of Stinebruner and further in view of Pon et al (US 6,272,343).

10. Regarding claim **5/2-4**, Kohashi modified with Stinebruner fails to disclose in that in case of conflict of logical channel numbers and country of origin preference is given to the signal with the highest signal strength. However, methods where communication channels are prioritized based on signal strength, that is higher signal strength has a higher priority are well known in the art as taught by Pon (See Fig. 5 Step 106 Col. 13 lines 31-53). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Kohashi and Stinebruner so that in the case where in case of conflict of logical channel numbers and country of origin preference is given to the signal with the highest signal strength in view of the teachings

Art Unit: 2617

of Pon since the signal with the highest signal strength to give preference to a signal with a higher quality of service (See Pon Col. 2 lines 22-23).

11. Regarding claims **15/12-14**, claims 15/12-14 are an apparatus claims corresponding to method claims 5/2-4. Thus, claims **15/12-14** are discussed and rejected according to claim 5/2-4.

12. Claims **6/2-4, 7-8, 16/12-14, 17-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohashi in view of Stinebruner and further in view of Young et al (US 5,353,121).

13. Regarding claim **6/2-4**, Kohashi modified with Stinebruner fails to disclose that in case of conflict of logical channel numbers and country of origin preference is given to any broadcast signal containing information about the transmitting network corresponding to a predetermined indication of network preference. However, methods where stations are given priority based on network, are well known in the art as taught by Young (See Col. 27 lines 60-68, Col. 28 lines 1-7). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Kohashi and Stinebruner so that in the case where in case of conflict of logical channel numbers and country of origin preference is given to the signal with the network preference in view of the teachings of Young allow the user to choose priority (See Young Col. 27 lines 60-68, Col. 28 lines 1-7).

14. Regarding claim **7**, Kohashi modified with Stinebruner further modified with Young, teaches a method characterized in that any service not given network preference is placed in a group of services having continuous program location



Art Unit: 2617

numbers in the list of program location numbers, the program location numbers being different from respective logical channel numbers of the services (See Kohashi Fig. 6 and Col. 6 lines 45-67, Col. 7 lines 1-67, Col. 8 lines 1-67, Col. 9 lines 1-67, Col. 10 lines 1-67, Col. 11 lines 1-65 The Netherlands is the country of preference and the stations from the UK (stations not given country preference are given consecutive program location numbers)).).

15. Regarding claim 8, Kohashi modified with Stinebruner further modified with Young, teaches a method wherein the group of services given neither country preference nor network preference are placed in subgroups of groups of services with the same country of origin (See Kohashi Fig. 16C Countries are grouped together).

16. Regarding claims 16/12-14, claims 16/12-14 are an apparatus claims corresponding to method claims 6/2-4. Thus, claims 16/12-14 are discussed and rejected according to claim 6/2-4.

17. Regarding claims 17-18, claims 17-18 are an apparatus claims corresponding to method claims 7-8, respectively. Thus, claims 17-18 are discussed and rejected according to claim 7-8.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nishigaki (US 5,812,209) teaches a system where television stations are prioritized. Farleigh (US 6,208,388) teaches a system where a single channel map is used to organize channels from various sources.

Art Unit: 2617

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 8/5/2005

  
NGOC-YEN VU  
PRIMARY EXAMINER